

SN. 10/735,501

ATTORNEY DOCKET NO. FUJI:180A

REMARKS

Claims 48-51 remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 48-51 have been amended to improve their form and to remove the informalities identified by the examiner. No new matter has been introduced.

Allowable Claims

Claim 50 was indicated to be allowable if it is placed in independent form. As applicants submit a Terminal Disclaimer, claim 50 has been maintained in a dependent form.

§ 112 Rejection

Claims 48-51 were rejected under 35 U.S.C. § 112, second paragraph, because the language "relatively low" is deemed indefinite and the language "the plane" lacks antecedent basis. In this respect, the claim no longer contains "relatively low" or "the plane" to obviate this rejection. Nonetheless, applicants traverse this rejection at least to the extent that the PTO routinely issues patents with claims containing the language "relatively low."

Double Patenting Rejection

Claims 48, 49, and 51 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1, 2, 7, 8, and 11 of USP 6,724,042. The attached Terminal Disclaimer obviates this rejection.

SN. 10/735,501

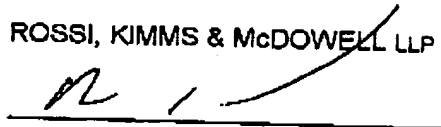
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Conclusion

Applicants submit that claims 48-51 are now in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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